

(12)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

<p>To:</p> <p>FENSTER & COMPANY, INTELLECTUAL PROPERTY LTD. Attn. Fenster, Paul P.O. Box 10256 49002 Petach Tikva ISRAEL</p> <p>RECEIVED Docketed 01/01/2007 MF DP FENSTER</p>	<p>5B6</p>	<p>INVITATION TO PAY ADDITIONAL FEES (PCT Article 17(3)(a) and Rule 40.1)</p> <p>Date of mailing (day/month/year) 04/01/2007</p> <p>PAYMENT DUE within ONE MONTH from the above date of mailing</p> <p>International filing date (day/month/year) 10/08/2006</p> <p>Applicant NAVOTEK MEDICAL LTD.</p>
<p>1. This International Searching Authority</p> <p>(i) considers that there are <u>4</u> (number of) inventions claimed in the international application covered by the claims indicated XXXX on the extra sheet;</p> <p>and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated XXXX on the extra sheet;</p> <p>(ii) <input checked="" type="checkbox"/> has carried out a partial international search (see Annex) <input type="checkbox"/> will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.: see annex</p> <p>(iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid</p> <p>2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:</p> <p style="text-align: center;">EUR 1.615,00 x 3 = EUR 4.845</p> <p>Fee per additional invention number of additional inventions total amount of additional fees</p> <p>Or, _____ x _____ = _____</p> <p>The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.</p> <p>3. <input type="checkbox"/> Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.</p>		
<p>Name and mailing address of the International Searching Authority</p> <p>European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016</p>		<p>Authorized officer</p> <p>Astrid Lambertz</p>

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/IB2006/052770

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/16965 A2 (TARGET LTD V [IL]; KIMCHY YOAV [IL]; AMRAMI RONI [IL]; BOUSKILA YONA []) 28 February 2002 (2002-02-28) page 27, line 25 – page 36, line 25 -----	1-13,27
X	US 2004/037394 A1 (KURODA YOSHIKATSU [JP] ET AL) 26 February 2004 (2004-02-26) the whole document -----	1-13,27
X	US 6 847 838 B1 (MACEY DANIEL J [US] ET AL) 25 January 2005 (2005-01-25) the whole document -----	27
X	WO 02/39142 A2 (MARCONI MEDICAL SYS INC [US] KONINKL PHILIPS ELECTRONICS NV [NL]) 16 May 2002 (2002-05-16) abstract; figures 4,5a -----	27
X	US 6 603 124 B2 (MAUBLANT JEAN [FR]) 5 August 2003 (2003-08-05) the whole document -----	1
L,P, X	WO 2006/016368 A (VASTRACK LTD [IL]; KORNBLAU GIORA [IL]; BEN-ARI SHLOMI [IL]) 16 February 2006 (2006-02-16) the whole document -----	1-3,8-12

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-13, 27

Angle responsive radiation sensor arranged to have a working volume of at least 10 cm in depth and having an angular width such that an accuracy of better than 3 mm over said working volume is achieved; method of designing a collimator leading to the required defined accuracy.

2. claims: 14-26

A radiation detector having multiple sections, and a collimator differentially collimating radiation on each of those sections such as to have multiple focusing points; method of designing a collimator having a linear-like angular response.

3. claims: 28-30

Collimator set comprising at least two collimators having different angular and/or depth ranges.

4. claims: 31-34

Method of tracking a radioactive object comprising the step of re-aiming the sensor according to angular offset by automatic circuitry.

Closest prior art: D1..WO02/16965 (28 February 2002)

The document D1 discloses the following features of claim 1: an angle responsive sensor comprising:

- a radiation detector (22) adapted to detect ionizing radiation;
- at least one radiation absorbing element arranged to block radiation from reaching said detector in a manner dependent on a relative orientation of a radiation source, said detector and said element defining an aim for said sensor (see D1: page 29, line 8 - page 30, line 23 in combination with page 32, lines 3-11);
- circuitry coupled to said detector and which generates an output signal which varies as a function of said relative orientation (see D1: page 30, lines 16-23: "determine the position of detector 22 in six degrees of freedom").

Furthermore, D1 clearly discloses a method step of "tracking an (unspecified) movement rate" (see D1: page 30, lines 2-3: "movement monitoring" and "keep track of positional changes"). In that sense the "feature" of designing a collimator "suitable for tracking a movement rate" is implicitly disclosed in D1.

The subject matter of independent claims 1, 14, 22, 27, 28, 31 differs from D1 by the following special technical features (STF) in the sense of Rule 13.2 PCT:

- (STF1) - claim 1: the detector and the element are arranged to have a working volume of at least 10 cm in depth and having an angular width such that an accuracy of better than 3 mm is achieved;
- (STF2) - claim 14: the radiation detector having multiple sections, and a collimator differentially collimating radiation on each of those sections such as to have multiple focusing points;
- (STF3) - claim 22: method of designing a collimator having a linear-like angular response for a defined object range;
- (STF4) - claim 27: method of designing a collimator having the required accuracy for a defined object range;
- (STF5) - claim 28: collimator set comprising at least two collimators having different angular and/or depth ranges and the angular ranges greater than 10 milliradians;
- (STF6) - claim 31: method of tracking a radioactive object comprising re-aiming the sensor according to a detected angular offset by automatic circuitry at least 10 times a minute.

All of the above STFs are different.

The objective problems solved by said STFs are considered as follows:

- STF1: improving the accuracy of locating a radioactive source;
- STF2: providing a relatively linear response of the angular radiation sensor over a working volume of interest (see page 38, lines 7-9);
- STF3: providing a relatively linear response of the angular radiation sensor over a working volume of interest (see page 38, lines 7-9);
- STF4: improving the accuracy of locating a radioactive source;
- STF5: adapting the angular radiation sensor according to the specific application (see page 49, line 31 – page 50, line 15);
- STF6: improving the tracking of a moving object (see page 36, line 19 – page 37, line 9).

As can be seen from the above objective problems, STF1 and STF4 are considered to solve the same problem and hence to be "corresponding STFs" in the sense of Rule 13.2 PCT. The same applies for STF2 and STF3. However, for the rest the STFs are not corresponding in the sense of Rule 13.2 PCT since they solve different objective problems. The Application relates therefore to four different groups of inventions corresponding to said STFs as follows:

- Group 1: STF1+STF4 (claims 1 and 27);
- Group 2: STF2+STF3 (claims 14 and 22);
- Group 3: STF5 (claim 28);
- Group 4: STF6 (claim 31).

The above four groups of inventions do not provide a single inventive concept in terms of common or corresponding special technical features in the sense of Rule 13.2 PCT so that the Application lacks unity (Rule 13.1 PCT).

Patent Family Annex

Information on patent family members

International Application No PCT/IB2006/052770	
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Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0216965	A2	28-02-2002	AU CN EP JP US	7272701 A 1469720 A 1326531 A2 2004512502 T 2004015075 A1		04-03-2002 21-01-2004 16-07-2003 22-04-2004 22-01-2004
US 2004037394	A1	26-02-2004	DE JP	10322712 A1 2003337176 A		04-03-2004 28-11-2003
US 6847838	B1	25-01-2005		NONE		
WO 0239142	A2	16-05-2002	EP JP US US	1336120 A2 2004513373 T 2003111609 A1 6603123 B1		20-08-2003 30-04-2004 19-06-2003 05-08-2003
US 6603124	B2	05-08-2003	AT AU EP WO FR US	334405 T 5990000 A 1188070 A1 0079301 A1 2795526 A1 2003111611 A1		15-08-2006 09-01-2001 20-03-2002 28-12-2000 29-12-2000 19-06-2003
WO 2006016368	A	16-02-2006		NONE		

Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure at ISA/EPO, please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. After due receipt of the payment of the additional search fee(s) under protest (i.e. within one month from the date of the invitation), the EPO will, prior to examination of the protest by the Board of Appeal, subject the invitation to pay additional fees to an internal review. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month from the date of the invitation to pay additional fees (Rule 40.1(iii) PCT). However, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely** justified **or** the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest. In both cases, the protest fee will be refunded.

Euro accounts of the European Patent Organisation

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Important Information

General

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched.
- An **extension of the set time limit** cannot be granted.

Payment by cheque:

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by post are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.

Payment or transfer to a bank account:

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euro, no equivalents in other currencies.

Payment by deposit account:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

Note: If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.

Payment by credit card:

- Payments by **credit card** are **not possible**.

Payments under protest according to Rule 40 PCT:

- The protest will **not be accepted without a payment** of additional fees.
- The protest has to be **accompanied by a technical reasoning**.

New amounts for procedural fees as from 01/04/2006 (see OJ EPO 2006,8)!

If the date of payment is on or after that day the amounts payable are:

- additional search fee: EUR 1615,00
- protest fee: EUR 1065,00